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AN ACT

RELATING TO PARKS AND RECREATION; PROVIDING FOR THE  
ACQUISITION OF LANDS ADJACENT TO OR CONTIGUOUS TO STATE PARKS  
OR RECREATIONAL AREAS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 16-2-11 NMSA 1978 (being Laws 1935,  
Chapter 57, Section 11, as amended) is amended to read:

"16-2-11. ACQUISITION OF LANDS FOR PARK AND  
RECREATIONAL PURPOSES--CRITERIA.--

A. The state is authorized to acquire lands or  
interests in lands for state park or state recreational  
purposes by gift, donation, devise or purchase. Acquired  
lands or interests in lands shall be held for the use of the  
state to develop, maintain and operate them as state parks or  
state recreational areas. In acquiring real property or any  
interest in real property, the power of eminent domain shall  
not be used. The criteria for acquisition and development  
shall be those specified in Subsections B through G of this  
section.

B. Sites that may be designated as state parks or  
state recreational areas shall be only those:

(1) having a diversity of resources,  
including areas of scientific, aesthetic, geologic, natural  
or historic value;

1                   (2) providing recreational opportunities  
2 significant enough to assure patronage from a region or  
3 preferably from the state as a whole; and

4                   (3) conforming to the state comprehensive  
5 outdoor recreation plan.

6                   C. Lands designated for acquisition or development  
7 as state parks or state recreational areas shall be those  
8 that:

9                   (1) are adjacent to existing parks or  
10 recreational areas and are necessary for successful park or  
11 recreational area protection and development;

12                   (2) help meet recreation and open space  
13 demands of metropolitan area residents by emphasizing park or  
14 recreational areas within easy access of population centers;

15                   (3) preserve the most significant examples  
16 of New Mexico natural scenic landscape; or

17                   (4) meet the pressure on primary vacation  
18 regions not adequately supplied with public recreation  
19 opportunities.

20                   D. Lands that are acquired or developed as state  
21 parks or state recreational areas shall be managed and  
22 developed according to the following objectives:

23                   (1) outdoor recreation shall be recognized  
24 as the dominant or primary resources management objective;

25                   (2) physical development shall promote the

1 outdoor recreation objective through the use of proper  
2 design, materials and construction to enhance and promote the  
3 use and enjoyment of the recreational resources in the area;

4 (3) within economical limits, state parks or  
5 state recreational facilities shall be landscaped and  
6 developed to achieve an environment that is aesthetically  
7 pleasing, ecologically functional and complementary to the  
8 native environment;

9 (4) use periods for parks or recreational  
10 facilities shall be extended by providing a variety of  
11 facilities that will attract visitors during all seasons of  
12 the year; and

13 (5) all significant historic structures  
14 contained in state parks or state recreational areas shall  
15 be, within economical limits, reconstructed, restored or  
16 stabilized to provide for continued user benefit.

17 E. Factors to be taken into consideration when  
18 lands are considered for acquisition or development as state  
19 parks or state recreational areas are:

20 (1) the character of the land resources,  
21 such as soil, vegetation, topography and water, that affects  
22 the suitability of the lands for development as parks or  
23 recreational areas;

24 (2) facilities development to meet the  
25 average and slightly higher than average demands rather than

1 the peak demands of summer and the holiday weekends;

2 (3) development priority based upon  
3 demonstrated use and demand, balance and distribution of  
4 existing facilities and the availability of lands suitable  
5 for development; and

6 (4) resources protection shall also be  
7 considered a priority if the resources need urgent attention,  
8 but the priority shall be determined by the relative value of  
9 the resources involved.

10 F. The cost of lands to be proposed for  
11 acquisition or development as state parks or state  
12 recreational areas should be reasonable, with consideration  
13 given to the recreational value of the land on which the  
14 state park or state recreational area is to be located. No  
15 property shall be purchased that involves commitments,  
16 privileges or conditions to any private interest, except that  
17 property may be purchased that has restrictions limiting its  
18 use to that of a state park or state recreational area.

19 G. All lands considered for acquisition or  
20 development as new state parks or state recreational areas  
21 shall undergo a feasibility study prior to acquisition or  
22 development. Feasibility studies shall include:

23 (1) a determination that the proposed area  
24 meets the criteria set forth in this section;

25 (2) an estimate of the total development cost,

1 including land acquisition, planning and construction and  
2 recommendations for methods of financing the development  
3 costs;

4 (3) an estimate of the annual costs for  
5 operation and maintenance;

6 (4) an estimate of demand and a projection of  
7 visitor use for the proposed area; and

8 (5) an analysis of the proposed area as it  
9 relates to plans or development by other governmental  
10 agencies or the private sector in adjacent areas.

11 H. The state is authorized, upon the execution of a  
12 written agreement between the director of the state parks  
13 division of the energy, minerals and natural resources  
14 department and the department, service or agency of the  
15 United States having jurisdiction of lands of the United  
16 States, to develop, protect, maintain and operate in  
17 accordance with the agreement federally owned lands as state  
18 parks or state recreational areas, but the state may not  
19 acquire the fee title to or a permanent right in the lands  
20 pursuant to such an agreement.

21 I. The designation of sites as suitable for state  
22 parks or recreational areas, the designation of certain lands  
23 for acquisition or development, the consideration of lands  
24 for acquisition or studying the feasibility of acquisition or  
25 development of lands shall not create a right of action on

1 the part of any person to force action by the state parks  
2 division of the energy, minerals and natural resources  
3 department or the state.

4 J. Any acquisition of land or any interest in land  
5 for a new state park or recreational area shall be approved  
6 by the legislature prior to the execution of a written  
7 agreement binding the state to expenditure of funds for  
8 acquisition or development of state parks or recreational  
9 areas. Lands that are adjacent or contiguous to existing  
10 state parks or recreational areas or are necessary for  
11 successful park or recreational area protection and  
12 development and will become part of the park or recreational  
13 area may be acquired without legislative approval if the  
14 state parks division consults with local government entities  
15 on the acquisition and if the state board of finance approves  
16 the acquisition and funds for the acquisition are available  
17 to the state parks division of the energy, minerals and  
18 natural resources department or the land is donated to the  
19 division.

20 K. Only lands or interests in lands acquired or  
21 retained in accordance with the provisions of this section and  
22 operated pursuant to the authority of the state parks division  
23 of the energy, minerals and natural resources department may  
24 use the designation of "state park" or "state recreational  
25 area".

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